

108TH CONGRESS
1ST SESSION

S. 579

AN ACT

To reauthorize the National Transportation Safety Board,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Transpor-
5 tation Safety Board Reauthorization Act of 2003”.

1 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) FISCAL YEARS 2003–2006.—Section 1118(a) of
3 title 49, United States Code, is amended—

4 (1) by striking “and”; and

5 (2) by striking “such sums to” and inserting
6 the following: “\$73,325,000 for fiscal year 2003,
7 \$78,757,000 for fiscal year 2004, \$83,011,000 for
8 fiscal year 2005, and \$87,539,000 for fiscal year
9 2006. Such sums shall”.

10 (b) EMERGENCY FUND.—Section 1118(b) of such
11 title is amended by striking the second sentence and in-
12 serting the following: “In addition, there are authorized
13 to be appropriated such sums as may be necessary to in-
14 crease the fund to, and maintain the fund at, a level not
15 to exceed \$4,000,000.”.

16 (c) NTSB ACADEMY.—Section 1118 of such title is
17 amended by adding at the end the following:

18 “(c) ACADEMY.—

19 “(1) AUTHORIZATION.—There are authorized to
20 be appropriated to the Board for necessary expenses
21 of the National Transportation Safety Board Acad-
22 emy, not otherwise provided for, \$3,347,000 for fis-
23 cal year 2003, \$4,896,000 for fiscal year 2004,
24 \$4,995,000 for fiscal year 2005, and \$5,200,000 for
25 fiscal year 2006. Such sums shall remain available
26 until expended.

1 “(2) FEES.—The Board may impose and collect
2 such fees as it determines to be appropriate for serv-
3 ices provided by or through the Academy.

4 “(3) RECEIPTS CREDITED AS OFFSETTING COL-
5 LECTIONS.—Notwithstanding section 3302 of title
6 31, any fee collected under this subsection—

7 “(A) shall be credited as offsetting collec-
8 tions to the account that finances the activities
9 and services for which the fee is imposed;

10 “(B) shall be available for expenditure only
11 to pay the costs of activities and services for
12 which the fee is imposed; and

13 “(C) shall remain available until expended.

14 “(4) REFUNDS.—The Board may refund any
15 fee paid by mistake or any amount paid in excess of
16 that required.

17 “(d) REPORT ON ACADEMY OPERATIONS.—The Na-
18 tional Transportation Safety Board shall transmit an an-
19 nual report to the Congress on the activities and oper-
20 ations of the National Transportation Safety Board Acad-
21 emy.”.

1 **SEC. 3. ASSISTANCE TO FAMILIES OF PASSENGERS IN-**
 2 **VOLVED IN AIRCRAFT ACCIDENTS.**

3 (a) RELINQUISHMENT OF INVESTIGATIVE PRI-
 4 ORITY.—Section 1136 of title 49, United States Code, is
 5 amended by adding at the end the following:

6 “(j) RELINQUISHMENT OF INVESTIGATIVE PRI-
 7 ORITY.—

8 “(1) GENERAL RULE.—This section (other than
 9 subsection (g)) shall not apply to an aircraft acci-
 10 dent if the Board has relinquished investigative pri-
 11 ority under section 1131(a)(2)(B) and the Federal
 12 agency to which the Board relinquished investigative
 13 priority is willing and able to provide assistance to
 14 the victims and families of the passengers involved
 15 in the accident.

16 “(2) BOARD ASSISTANCE.—If this section does
 17 not apply to an aircraft accident because the Board
 18 has relinquished investigative priority with respect to
 19 the accident, the Board shall assist, to the maximum
 20 extent possible, the agency to which the Board has
 21 relinquished investigative priority in assisting fami-
 22 lies with respect to the accident.”.

23 (b) REVISION OF MOU.—Not later than 1 year after
 24 the date of enactment of this Act, the National Transpor-
 25 tation Safety Board and the Federal Bureau of Investiga-
 26 tion shall revise their 1977 agreement on the investigation

1 of accidents to take into account the amendments made
2 by this section and shall submit a copy of the revised
3 agreement to the Committee on Transportation and Infra-
4 structure of the House of Representatives and the Com-
5 mittee on Commerce, Science, and Transportation of the
6 Senate.

7 **SEC. 4. RELIEF FROM CONTRACTING REQUIREMENTS FOR**
8 **INVESTIGATIONS SERVICES.**

9 (a) IN GENERAL.—From the date of enactment of
10 this Act through September 30, 2006, the National Trans-
11 portation Safety Board may enter into agreements or con-
12 tracts under the authority of section 1113(b)(1)(B) of title
13 49, United States Code for investigations conducted under
14 section 1131 of that title without regard to any other pro-
15 vision of law requiring competition if necessary to expedite
16 the investigation.

17 (b) REPORT ON USAGE.—On February 1, 2006, the
18 National Transportation Safety Board shall transmit a re-
19 port to the House of Representatives Committee on Trans-
20 portation and Infrastructure, the House of Representa-
21 tives Committee on Government Reform, the Senate Com-
22 mittee on Commerce, Science, and Transportation, and
23 the Senate Committee on Government Affairs that—

1 (1) describes each contract for \$25,000 or more
 2 executed by the Board to which the authority pro-
 3 vided by subsection (a) was applied; and

4 (2) sets forth the rationale for dispensing with
 5 competition requirements with respect to such con-
 6 tract.

7 **SEC. 5. ACCIDENT AND SAFETY DATA CLASSIFICATION AND**
 8 **PUBLICATION.**

9 Section 1119 of title 49, United States Code, is
 10 amended by adding at the end the following:

11 “(c) APPEALS.—

12 “(1) NOTIFICATION OF RIGHTS.—In any case
 13 in which an employee of the Board determines that
 14 an occurrence associated with the operation of an
 15 aircraft constitutes an accident, the employee shall
 16 notify the owner or operator of that aircraft of the
 17 right to appeal that determination to the Board.

18 “(2) PROCEDURE.—The Board shall establish
 19 and publish the procedures for appeals under this
 20 subsection.

21 “(3) LIMITATION ON APPLICABILITY.—This
 22 subsection shall not apply in the case of an accident
 23 that results in a loss of life.”.

1 **SEC. 6. SECRETARY OF TRANSPORTATION'S RESPONSES TO**
2 **SAFETY RECOMMENDATIONS.**

3 Section 1135(d) of title 49, United States Code, is
4 amended to read as follows:

5 “(d) REPORTING REQUIREMENTS.—

6 “(1) ANNUAL SECRETARIAL REGULATORY STA-
7 TUS REPORTS.—On February 1 of each year, the
8 Secretary shall submit a report to Congress and the
9 Board containing the regulatory status of each rec-
10 ommendation made by the Board to the Secretary
11 (or to an Administration within the Department of
12 Transportation) that is on the Board’s ‘most wanted
13 list’. The Secretary shall continue to report on the
14 regulatory status of each such recommendation in
15 the report due on February 1 of subsequent years
16 until final regulatory action is taken on that rec-
17 ommendation or the Secretary (or an Administration
18 within the Department) determines and states in
19 such a report that no action should be taken.

20 “(2) FAILURE TO REPORT.—If on March 1 of
21 each year the Board has not received the Secretary’s
22 report required by this subsection, the Board shall
23 notify the Committee on Transportation and Infra-
24 structure of the House of Representatives and the
25 Committee on Commerce, Science, and Transpor-

1 tation of the Senate of the Secretary’s failure to
2 submit the required report.

3 “(3) TERMINATION.—This subsection shall
4 cease to be in effect after the report required to be
5 filed on February 1, 2008, is filed.”.

6 **SEC. 7. TECHNICAL AMENDMENTS.**

7 Section 1131(a)(2) of title 49, United States Code,
8 is amended by moving subparagraphs (B) and (C) 4 ems
9 to the left.

10 **SEC. 8. DOT INSPECTOR GENERAL INVESTIGATIVE AU-**
11 **THORITY.**

12 (a) IN GENERAL.—Section 228 of the Motor Carrier
13 Safety Improvement Act of 1999 (113 Stat. 1773) is
14 transferred to, and added at the end of, subchapter III
15 of chapter 3 of title 49, United States Code, as section
16 354 of that title.

17 (b) CONFORMING AMENDMENTS.—(1) The caption of
18 the section is amended to read as follows:

19 **“§ 354. Investigative authority of Inspector General”.**

20 (2) The chapter analysis for chapter 3 of title 49,
21 United States Code, is amended by adding at the end the
22 following:

“354. Investigative authority of Inspector General”.

1 **SEC. 9. REPORTS ON CERTAIN OPEN SAFETY REC-**
2 **OMMENDATIONS.**

3 (a) INITIAL REPORT.—Within 1 year after the date
4 of enactment of this Act, the Secretary of Transportation
5 shall submit a report to Congress and the National Trans-
6 portation Safety Board containing the regulatory status
7 of each open safety recommendation made by the Board
8 to the Secretary concerning—

- 9 (1) 15-passenger van safety;
10 (2) railroad grade crossing safety; and
11 (3) medical certifications for a commercial driv-
12 er's license.

13 (b) BIENNIAL UPDATES.—The Secretary shall con-
14 tinue to report on the regulatory status of each such rec-
15 ommendation (and any subsequent recommendation made
16 by the Board to the Secretary concerning a matter de-
17 scribed in paragraph (1), (2), or (3) of subsection (a)) at
18 2-year intervals until—

- 19 (1) final regulatory action has been taken on
20 the recommendation;
21 (2) the Secretary determines, and states in the
22 report, that no action should be taken on that rec-
23 ommendation; or
24 (3) the report, if any, required to be submitted
25 in 2008 is submitted.

1 (c) FAILURE TO REPORT.—If the Board has not re-
2 ceived a report required to be submitted under subsection
3 (a) or (b) within 30 days after the date on which that
4 report is required to be submitted, the Board shall notify
5 the Committee on Transportation and Infrastructure of
6 the House of Representatives and the Committee on Com-
7 merce, Science, and Transportation of the Senate.

Passed the Senate November 21, 2003.

Attest:

Secretary.

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